

STATEMENT OF JUDGE PHIL FITZGERALD

On Wednesday, January 26, 2011, former Liberty County Judge Phil Fitzgerald, his brother-in-law Mark Miksch, and former Liberty County Commissioner Lee Groce were indicted by a federal grand jury in Beaumont, Texas. The Indictment alleges they misappropriated FEMA funds that were sent to Liberty County for debris removal after Hurricane Ike. Liberty County has a relatively small population, so we have been aware of this investigation for several years. Judge Fitzgerald has fully cooperated with the investigation, has nothing to hide and has committed no crime.

The allegations contained in the Indictment are nothing new. They originate from Judge Fitzgerald's political opponents who have fed the Government information that is incomplete or incorrect. Furthermore, the Government's investigators over the last several years have purposefully leaked details of the investigation to local media outlets which have affected the local county elections. Early on, we told the Government attorneys if they have any evidence of criminal wrongdoing on the part of Judge Fitzgerald, we would gladly respond and give our side of the story. Surprisingly, the Government attorneys not only failed to even tell us what Judge Fitzgerald had done wrong, but flatly refused our offer to speak with them before they presented the case to the grand jury.

This is not the first time Liberty County politicians have used the United States Attorney's office to settle local political scores. Ten years ago, this same thing happened to a Liberty County commissioner I represented. In that case, political opponents of the commissioner convinced the United States Attorney's office that he had illegally placed wire taps in the county courthouse. The Government indicted him. He was tried before a jury and was acquitted. But the damage had been done, and he lost his bid for reelection.

In this case, what makes the Indictment of Judge Fitzgerald especially tragic is that it could have been avoided. Had the Government allowed us the opportunity to present our side of the story before seeking an indictment, we are confident there would be no indictment. However, because of their refusal, we will now have to have a trial in this case, at considerable expense to Judge Fitzgerald and the taxpayers, in order for us to tell our side of the story. We are confident after the jury hears our side, Judge Fitzgerald will be acquitted of all the charges.

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